UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,589	03/01/1999	DAVID JOHN MARTIN PATTERSON	06502.0225	5471

			EXAMINER
22852	7590	08/02/2004	TANG, KENNETH

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WASHINGTON, DC 20005

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) ☐ Other: _____ .

DETAILED ACTION

1.   This non-final application is in response to the Amendment in 4/20/04. Applicant's

arguments with respect to claims 1-21 have been considered but are moot in view of the new

ground(s) of rejection.

1.   Claims 1-21 are presented for examination.

Claim Objections

2.   Claim 5 is objected to because of the following informalities: "one or more object"

should be changed to "one or more objects". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention:

      a.   In claim 1, "call duration value associated with the second process" is indefinite

because it is not made explicitly clear in the claim language whether this call refers to an

operating system call or a telephone call.

      b.   Claims 10-12 and 17 are rejected for the same reasons as stated in the rejection of

claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

McDonough et al. (hereinafter McDonough) (US 6,070,142) in view of Simor (US

5,060,150).

5.   As to claim 1, McDonough teaches a resource manager operable to control allocation of a

resource to competing computing processes including at least a first process and a second

process *(col. 9, lines 13-22)*, the resource manager being responsive to identification of a thread

for the first process requesting allocation of the resource *(col. 10, lines 4-32)*, when the resource

is already allocated to a thread for the second process, to establish a joining function to the thread

for the second process and to provide an indication to the first process of an expected time before

the resource will become available determined based on a call duration value associated with the

second process *(col. 15, lines 30-33 and col. 12, lines 60-67)*, and the resource manager being

operable in response to termination of the thread for the second process to allocate the resource

to the thread for the first process *(col. 5, lines 35-44)*.

6.   McDonough fails to explicitly teach that the resource manager is notified when the

process is finished before it performs the termination. However, Simor teaches using monitors to

notify resource managers when an allocating process terminates and that the resource be released

by the resource manager itself after being notified *(col. 17, lines 55-68)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of the resource manager being notified when the process is finished before it performs the termination because it provides a simple, efficient, and configurable way of passing control between functions and of synchronizing functions *(col. 18, lines 1-3)*.

7.   As to claim 2, McDonough teaches wherein the resource manager comprises object oriented computer software operable in an object oriented environment *(col. 5, lines 40-44 and col. 9, lines 57-58)*.

8.   As to claim 3, McDonough teaches wherein the first and second processes are software applications operable in the object oriented environment *(col. 5, lines 40-44 and col. 9, lines 57-58)*.

9.   As to claim 4, McDonough in view of Simor fails to explicitly teach wherein the software applications comprise one or more bean objects registrable with the resource manager. However, "Official Notice" is taken that both the concept and advantages of providing that one or more (JAVA) bean objects registrable with the resource manager is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of one or more bean objects registrable with the resource manager to the existing system of McDonough and Simor in order for the developer to utilize the benefits of reusuable, embeddable modular software components.

10.   As to claim 5, McDonough and Simor fail to explicitly teach wherein the resource

manager comprises one or more objects of the Java language. However, "Official Notice" is

taken that both the concept and advantages of providing that a resource manager comprises one

or more objects of the Java language is well known and expected in the art. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to include a

resource manager comprising one or more objects to the existing system and method of

McDonough and Simor because it is a preferred language for object oriented programming.

11.   As to claim 6, McDonough teaches an object for acquiring a device *(col. 3, lines 10-12).*

12.   As to claim 7, it is rejected for the same reasons as stated in the rejections of claims 1 and

5.

13.   As to claim 8, McDonough teaches the resource manager operable to control access by a

plurality of telecommunications applications to a telephony device in a telecommunications

apparatus *(see Abstract).*

14.   As to claim 9, McDonough teaches the resource manager comprising a dispatch

mechanism for controlling dispatching of a call received by the telephony device to the

telecommunications applications *(see Abstract).*

15.   As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 1.

16.   As to claim 11, it is rejected for the same reasons as stated in the rejection of claim 1.

17.   As to claim 12, it is rejected for the same reasons as stated in the rejection of claim 1. In
addition, McDonough teaches at least one telephony resource for connection to a
telecommunications network *(see Abstract)*.

18.   As to claim 13, McDonough teaches wherein the telephony resource is an interface to the
telecommunications network *(col. 1, lines 63-66, col. 9, lines 23-26 and 56-67)*.

19.   As to claim 14, McDonough in view of Simor fails to explicitly teach wherein the
telephony resource is a modem. However, "Official Notice" is taken that both the concept and
advantages of providing that a modem being used as a telephony resource is well known and
expected in the art. It would have been obvious to one of ordinary skill in the art at the time the
invention was made to include the feature of a modem as a telephony resource to the existing
system and method of McDonough and Simor in order to use the telephone line to provide
communication between computers.

20.   As to claim 15, McDonough teaches wherein the computing processes comprise call
processing applications *(col. 15, lines 20-23)*.

21.   As to claim 16, McDonough teaches wherein the call processing applications comprise at

least one application selected from a call answering application, a voicemail application, a

facsimile application; and a data application *(col. 3, lines 11-12)*.

22.   As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 1.

23.   As to claim 18, it is rejected for the same reasons as stated in the rejection of claim 5.

24.   As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 8.

25.   As to claim 20, McDonough teaches wherein the telephony device provides an interface

to a telecommunications network *(col. 1, lines 63-66, col. 9, lines 23-26 and 56-67)*.

26.   As to claim 21, it is rejected for the same reasons as stated in the rejection of claim 14.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

        c.   Hoffpauir (H1,918) teaches employing a modem in order to communicate

        between two computers and that JAVA is a preferred programming language for object

        oriented programming.

d.   LeBlanc et al. (US 6,694,506 B1) teaches JAVA Beans and its advantages in object oriented programming.

28.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
7/25/04

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